IN THE HIGH COURT OF BOMBAY AT GOA

MISCELLANEOUS CIVIL APPLICATION NO.419 OF 2002
in
PIL WRIT PETITION NO.212 OF 2000

Goa Fishing Boat Owners Association
represented by its present
President, Mr. Baptist X. Clement
with office at Kharewada,
Vasco-da-Gama, Goa ... APPLICANTS.

VERSUS

1. State of Goa
through the Chief Secretary
Government of Goa,
Secretariat,
Panaji, Goa;

2. Director of Directorate
of Fisheries,
Government of Goa,
Panaji, Goa;

3. Goa Environment
Federation with office
at E-74,
Campal, Panaji, Goa;

4. Goenchea Ramponkaracho
Ekvott, Head Office at
Cansaulim, Goa;

5. National Institute of
Oceanography,
Dona Paula, Goa;

6. Union of India,
through the Secretary,
Ministry of Agriculture,
Shastri Bhavan,
New Delhi 110 001 ... RESPONDENTS.

Shri Aires Rodrigues, Advocate for the Applicants.

Shri A.N.S. Nadkarni, Advocate General, with Shri H.R. Bharne, Government Advocate, for the Respondents No.1 and 2.

Smt. Norma Alvares, Amicus Curiae, Advocate for the Respondent No.3.

Shri E.P. Lobo, Advocate for the Respondent No.4.

Shri J. Vaz, Additional Central Government Standing Counsel, for the Respondents No.5 and 6.

CORAM : S. RADHAKRISHNAN &
P.V. HARDAS,JJ.

DATED : AUGUST 7, 2002.

ORAL ORDER (Per **S. RADHAKRISHNAN,J.**)

Heard the learned Counsel for the parties.

2. Rule. Rule made returnable forthwith by consent. Perused the Civil Application and the detailed submissions made therein and also heard the learned Advocate General.

3. The learned Advocate General also fairly states that for protecting the proper fishing environment, it is absolutely necessary that there has to be a restriction in the fishing activity except the traditional fishing where no mechanized vessels are operating. It also appears from the application that in certain beaches surreptitiously through mechanized vessels fish are being brought in. There also,the learned Advocate General fairly states that there are other beaches such as Velsao, Benaulim, Mobor, Palolem, Agonda and Siquerim wherein stocks of fish have been brought in.

4. In these circumstances, in the larger interest of breeding fish in Goa, the Civil Application is made absolute in terms of prayer clauses a., b., c., d. and e., reading as under:-

" a. That the authorities of the State be directed to forthwith implement the ban on fishing laid down by this Court by its previous orders dated 20/7/2000 and 1/8/2001 upto to 15/8/2002 against all mechanized crafts including country crafts and boats/canoes fitted with inboard/outboard motors and other boats using nets for the purpose of fishing in the waters next to the State of Goa.

b. That patrolling be carried out along the coast line of the State of Goa especially at the landing places in Hollant Beach, Hansa Beach, Cansaulim Beach, Colva

Beach, Vasco Beach, Baina Beach, Calangute Beach and Nerul Beach and all stocks of fish which are brought in by country crafts/canoes be seized.

c. That all mechanized craft including country crafts and boats/canoes with inboard/outboard motors be prevented from going out to sea for the purpose of fishing activities. Any such craft/boat/canoe defying the ban be seized.

d. That the licences of the pickups/other vehicles used for the purpose of transportation of the fish including pickup/other vehicles with freezers for transportation of prawns be suspended and any vehicles abetting in the defiance of the fishing ban be seized.

e. That it be clarified that the directions issued in order dated 31/7/2002 also applies to all mechanized vessels including country crafts or canoes fitted with in board/out board motors, and other vessels fishing with the help of purseine/mono twine or other nets. "

5. However, as far as prayer (b) is concerned, it is clarified that the restriction will apply only to mechanized vessels including the Applicants and not to the traditional fishing vessels which are not mechanized.

S. RADHAKRISHNAN, J.

P.V. HARDAS,J.

ac.